

# **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action dated January 28, 2005. Claims 1-8 are pending. Claims 1-8 are rejected. Claim 1 is objected to. Claims 1-8 have been amended. No claims have been canceled or added. Accordingly, claims 1-8 remain pending in the present application.

The disclosure is objected to because of informalities on page 2, lines 4, 8, and of the specification, where it refers to components 105-114 of figure 1. However, there is no component labeled 105. Accordingly, Applicant has amended the specification to refer to components 106-114. The Examiner's objection is thus traversed.

Claim 1 is objected to because of informalities. Line 7 of claim 1 states "layer manage". Applicant acknowledges that this is typographical error and has amended claim 1 to correct it to "layer manager". The Examiner's objection is thus traversed.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (5,903,568). The Examiner states:

As to claim 1, Tanaka et al. teach method comprising the steps of:  
 (a) receiving data from a first stack component of the protocol stack by a layer manager (col. 6, lines 21-59);  
 (b) analyzing the data for instrumentation information by the layer manager (col. 6, lines 21-59; in fig. 3, combination of items 101, 102, 103, 104, 105, 109 and 106); and  
 (c) routing the data to a second stack component of the protocol stack by the layer manager (col. 6, lines 21-59)....

As to claim 4, Tanaka et al. teach a protocol stack, comprising:  
 a plurality of stack components (fig. 3 and 4); and  
 a layer manager (fig. 3, combination of items 101, 102, 103, 104, 105, 109 and 106) interfaced with each of the plurality of stack components, wherein the layer manager protocol is instrumented, wherein instrumenting the layer manager instruments the protocol stack (col. 6, lines 21-59)...

As to claim 6, Tanaka et al. teach computer readable medium, comprising:  
 (a) receiving data from a first stack component of the protocol stack by a layer manager (col. 6, lines 21-59);  
 (b) analyzing the data for instrumentation information by the layer manager (col. 6, lines

21-59; in fig. 3, combination of items 101, 102, 103, 104, 105, 109 and 106); and (c) routing the data to a second stack component of the protocol stack by the layer manager (col. 6, lines 21-59)...

Applicant respectfully disagrees as to the claims as amended. The present invention, as recited in amended independent claims 1, 4, and 6, provide a method, protocol stack, and computer instructions for obtaining instrumentation data in a protocol stack, comprising: (a) receiving data from a first stack component of the protocol stack by a *single* layer manager; (b) analyzing the data for instrumentation information by the *single* layer manager; and (c) routing the data to a second stack component of the protocol stack by the *single* layer manager. With the present invention, the same or single layer manager performs the receiving, analyzing, and routing. (See Fig. 2 and the corresponding descriptions in the Specification.)

In contrast, Tanaka et al. discloses two separate layer managers: an upper-layer manager (101) for managing the upper layer, and a lower-layer manager (106) for managing the lower layer. The upper-layer manager (101) and the lower-layer manager (106) communicate via an interface (109) between the layers. Tanaka et al. does not disclose the use of a *single* layer manager to manage both the upper and lower layers of the protocol stack.

Thus, Tanaka et al. does not teach or suggest the steps or instructions for receiving, analyzing, and routing by a single layer manager, in combination of the other elements, as recited in the amended independent claims 1 and 6.

Similarly, Tanaka et al. does not teach or suggest a single layer manager interfaced with each of the plurality of stack components, wherein the single layer manager protocol is instrumented, wherein instrumenting the single layer manager instruments the protocol stack, in combination with the other elements, as recited in amended independent claim 4.

Therefore, for the above identified reasons, the present invention as recited in independent claims 1, 4, and 6 is neither taught nor suggested by Tanaka et al. Applicant further

submits that claims 2-3, 5, and 7-8 are also allowable because they depend on the above allowable base claims.

In view of the foregoing, Applicant submits that claims 1-8 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,  
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